

SENATE BILL NO. 35

INTRODUCED BY J. KEANE

BY REQUEST OF THE SELECT COMMITTEE ON EFFICIENCY IN GOVERNMENT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING OR ELIMINATING CERTAIN PROVISIONS THAT UNNECESSARILY REQUIRE AN OATH, NOTARIZATION, OR OTHER AFFIRMATION OF CERTAIN DOCUMENTS, ACTIONS, FACTS, SPECIFICATIONS, OR ASSURANCES; AND AMENDING SECTIONS 19-17-112, 31-1-306, 31-1-705, 31-1-707, 31-1-714, 32-5-308, 32-5-310, 32-7-109, 77-3-205, 77-3-317, 82-4-222, AND 87-2-106, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-17-112, MCA, is amended to read:

"19-17-112. Filing required reports -- limitations. (1) The chief or designated official of each fire company that claims eligibility under this chapter shall, on or before September 1 of each year, file with the board an annual certificate, the current year's roster, and a membership card for each new member.

(2) (a) The annual certificate is a form reporting a fire company's membership eligibility for the previous fiscal year.

(b) The annual certificate must be completed on a form prescribed by the board and contain the date of organization of the fire company and the full name, social security number, and date of birth of each member of the fire company who was a member for the entire fiscal year and who successfully completed 30 hours of training during the preceding fiscal year, as required by 19-17-108.

(c) The chief or designated official shall subscribe and verify ~~under oath, before a notary;~~ that the fire company and members qualified under 19-17-108 and 19-17-109.

(d) The board shall maintain the certificate for the purpose of establishing service for members and eligibility for benefits.

(3) The roster must be signed by the fire chief or designated official, filed with the board, and contain information in writing that provides the names of the fire company, its date of organization, officers, and roll of active and inactive members for the current fiscal year. A roster may be updated to report new members but may not be retroactive.

1 (4) A membership card must be completed and filed with the board for each member who was a member
2 on or before July 1, 2011, and for each new member who joins after July 1, 2011.

3 (5) The current fire chief shall file any late or amended annual certificates and the associated certified
4 training records within 3 years of the original annual certificate due date. An annual certificate may be amended
5 only once. The board shall consider and may approve late filings. Information provided to the board by the fire
6 chief must be in accordance with the board's rules.

7 (6) The current fire chief may request to appear before the board for consideration of the request to file
8 a late or amended annual certificate."

9

10 **Section 2.** Section 31-1-306, MCA, is amended to read:

11 **"31-1-306. Spouse must to join in assignment of wages -- acknowledgment.** ~~No~~ The assignment
12 of wages or salary to a wage broker by a married person who ~~shall have~~ has a spouse residing in this state ~~shall~~
13 ~~be is not~~ valid or enforceable without the consent of ~~such~~ the spouse, evidenced by the spouse's signature ~~to said~~
14 ~~on the~~ assignment, ~~executed and acknowledged before a notary public or other officer empowered to take~~
15 ~~acknowledgments. No wage broker or person connected with a wage broker, directly or indirectly, shall be~~
16 ~~authorized to take any such acknowledgments."~~

17

18 **Section 3.** Section 31-1-705, MCA, is amended to read:

19 **"31-1-705. License -- application requirements -- business locations.** (1) A person may not engage
20 in or offer to engage in the business of making deferred deposit loans unless licensed by the department. A
21 license may be granted to a person located within the state or to a person located outside of the state who uses
22 the internet, facsimiles, or third persons to conduct transactions with consumers in this state.

23 (2) An applicant for a license to engage in the business of making deferred deposit loans shall pay to
24 the department a license application fee of \$500.

25 (3) The application for licensure must be in writing, ~~under oath~~, and in the form prescribed by the
26 department. The application must contain:

- 27 (a) the name of the applicant;
28 (b) the date of formation if a business entity;
29 (c) the physical address of each deferred deposit loan office to be operated by the applicant;
30 (d) the name and resident address of the owner or partners or, if a corporation or association, of the

1 directors, trustees, and principal officers; and

2 (e) any other pertinent information that the department may require.

3 (4) A license may not be issued for longer than 1 year. The license year must coincide with the calendar
4 year, and the license fee for any period less than 6 months is \$250.

5 (5) Each licensee shall post a bond in the amount of \$10,000 for each location. The bond must continue
6 in effect for 2 years after the licensee ceases operation in the state. The bond must be available to pay damages
7 and penalties to consumers harmed by any violation of this part.

8 (6) More than one place of business may not be maintained under the same license, but the department
9 may issue more than one license to the same licensee upon compliance with the provisions of this section
10 governing issuance of a single license."
11

12 **Section 4.** Section 31-1-707, MCA, is amended to read:

13 **"31-1-707. Denial of license and license renewal.** (1) (a) Except as provided in subsection (1)(b), the
14 department shall deny any new license or refuse to renew any license if:

15 (i) the applicant does not meet the qualifications stated in this part or in rules adopted pursuant to this
16 part;

17 (ii) the department finds that the criminal history of any employee of the applicant at the time of
18 application or renewal demonstrates any conviction involving fraud or financial dishonesty or if the department's
19 findings show civil judgments involving fraudulent or dishonest financial dealings;

20 (iii) the financial responsibility, experience, character, and general fitness of the applicant do not warrant
21 the belief that the business will be operated lawfully and fairly and within the provisions of this part;

22 (iv) the applicant does not have unencumbered assets of at least \$25,000 for each location to be
23 operated by the applicant;

24 ~~(v) the applicant has not provided a sworn statement that the applicant will not in the future, directly or~~
25 ~~indirectly, use a criminal process to collect the payment of deferred deposit loans or any civil process to collect~~
26 ~~the payment of deferred deposit loans not generally available to creditors to collect on loans in default;~~

27 ~~_____ (vi)(v) other information that the department considers necessary has not been provided; or~~

28 ~~(vii)(vi) the applicant makes any material misstatement of fact or any material omission of fact in the~~
29 application.

30 (b) A denial is not required pursuant to subsection (1)(a)(ii) if the department finds that the applicant

1 dismissed the employee promptly upon learning of the employee's conviction involving fraud or financial
2 dishonesty or of civil judgments involving fraudulent or dishonest financial dealings by the employee.

3 (2) The department shall provide written notice to the applicant of the denial or refusal, setting forth in
4 the notice the grounds upon which the denial or refusal is based.

5 (3) The applicant has the right to a hearing under the Montana Administrative Procedure Act on any
6 denial or refusal to issue a license. The request for a hearing must be made within 10 days of the date of receipt
7 of the written notice of denial or refusal.

8 (4) An applicant whose application for licensure or renewal has been denied or refused may not reapply
9 for 1 year following the denial or refusal."

10

11 **Section 5.** Section 31-1-714, MCA, is amended to read:

12 **"31-1-714. Information and annual reports.** (1) Each licensee shall keep and use books, accounts,
13 and records that will enable the department to determine if the licensee is complying with the provisions of this
14 part and maintain any other records required by the department. The department is authorized to examine the
15 records at any reasonable time. The records must be kept for 2 years following the last entry on a loan and must
16 be kept according to generally accepted accounting procedures that include an examiner being able to review
17 the recordkeeping and reconcile each deferred deposit loan with documentation maintained in the consumer's
18 loan file records.

19 (2) Each licensee shall file, on forms prescribed by the department, an annual report with the department
20 on or before March 31 for the 12-month period in the preceding year ending as of December 31. The report must
21 disclose in detail and under appropriate headings:

22 (a) the resources, assets, and liabilities of the licensee at the beginning and the end of the period;

23 (b) the income, expense, gain, loss, and balance sheets;

24 (c) the total number of deferred deposit loans made in the year ending as of December 31 of the previous
25 year, including:

26 (i) the number of individual consumers with 12 or fewer new deferred deposit loans; and

27 (ii) the number of individual consumers with 13 or more new deferred deposit loans;

28 (d) the average deferred deposit loan amount, average annual interest percentage rate, and average
29 deferred deposit loan term;

30 (e) the number of deferred deposit loans rescinded;

- 1 (f) the total number of deferred deposit loans outstanding as of December 31 of the previous year;
- 2 (g) the minimum and maximum amount of checks for which deposits were deferred in the year ending
3 as of December 31 of the previous year;
- 4 (h) the total number and dollar amount of returned checks, the total number and dollar amount of checks
5 recovered, and the total number and dollar amount of checks charged off during the year ending as of December
6 31 of the previous year;
- 7 (i) the total number and dollar amount of agreements involving electronic transactions or deductions, the
8 total number and dollar amount of electronic deductions made by the licensee, and the total number and dollar
9 amount of electronic deductions for insufficient funds charged off during the year ending as of December 31 of
10 the previous year; and
- 11 (j) verification that the licensee has not used a criminal process or caused a criminal process to be used
12 in the collection of any deferred deposit loans or used any civil process to collect the payment of deferred deposit
13 loans not generally available to creditors to collect on loans in default during the year ending as of December 31
14 of the previous year.

15 ~~(3) A report must be verified by the oath or affirmation of the owner, manager, or president of the~~
16 ~~deferred deposit lender.~~

17 ~~——(4)(3)~~ (a) If a licensee conducts another business or is affiliated with other licensees under this part or
18 if any other situation exists under which allocations of expense are necessary, the licensee shall make the
19 allocation according to appropriate and reasonable accounting principles as approved by the department.

20 (b) Information about any other business conducted on the same premises where deferred deposit loans
21 are made must be provided as required by the department.

22 ~~(5)(4)~~ Each licensee shall file a copy of the disclosure documents described in 31-1-721 with the
23 department prior to the date of commencement of business at each location, at the time any changes are made
24 to the documents, and annually upon renewal of the license. These documents must be available to interested
25 parties and to the general public through the department."
26

27 **Section 6.** Section 32-5-308, MCA, is amended to read:

28 **"32-5-308. Annual report.** (1) A licensee shall file an annual report before April 15 for the preceding
29 calendar year with the department.

30 (2) The report must be ~~made under oath and be~~ in a form and contain the information prescribed by the

1 department. The department shall publish annually an analysis and summary of the reports."
2

3 **Section 7.** Section 32-5-310, MCA, is amended to read:

4 **"32-5-310. Wage assignments -- limitations.** (1) Subject to the limitations in subsection (2), wage
5 assignments, which include salary, wages, commissions, and other compensation for services, are permitted and
6 any loan made subject to a wage assignment must be considered a loan secured by the wage assignment. The
7 amount by which the assignment exceeds the amount of the consideration actually paid, for the purposes of
8 regulation under this chapter, may not be considered interest on the loan and must be credited to the borrower.
9 Transactions subject to the provisions of this section are governed by and are subject to the provisions of this
10 chapter.

11 (2) Any assignment to a licensee or for the benefit of a licensee of salary, wages, commissions, or other
12 compensation for services may not exceed 10% of the salary, wages, commissions, or other compensation owing
13 at the time of the notice to the debtor's employer or that is subsequently owed. An assignment is not valid unless
14 it is in writing and is signed in person by the borrower or if the borrower is married is signed in person by both
15 husband and wife, provided that written assent of a spouse is not required when husband and wife have been
16 and are living separate and apart when the assignment is made. Notice of the assignment must be given to the
17 debtor's employer only if the debtor defaults in payment of the whole or some part of the loan for which the
18 assignment is security. The notice must be served on the employer or a managing agent of the employer, must
19 be verified by ~~the oath~~ of the licensee or the licensee's agent, and must include:

20 (a) a correct copy of the assignment;

21 (b) a statement of the amount of the loan and the amount due and unpaid; and

22 (c) a copy of this section.

23 (3) The acceptance and honoring of any assignment must be at the option of the employer."
24

25 **Section 8.** Section 32-7-109, MCA, is amended to read:

26 **"32-7-109. Application for license -- bond -- issuance.** (1) A person must be licensed pursuant to this
27 part before engaging in an escrow business.

28 (2) To obtain a license, an applicant shall file with the director an application for an escrow business
29 license. The application must be in writing, ~~verified by oath~~, and in the form prescribed by the director. The
30 application must set forth:

- 1 (a) the location of the applicant's principal office and all branch offices in this state;
- 2 (b) the name and form under which the applicant plans to conduct business;
- 3 (c) the general plan and character of the business;
- 4 (d) the names, residences, and business addresses of any principals, partners, officers, trustees, and
- 5 directors, specifying as to each the respective capacity and title;
- 6 (e) the experience and qualifications of the persons proposed to act as officers and managers;
- 7 (f) the length of time the applicant has been engaged in the escrow business; and
- 8 (g) any other relevant information the director requires.
- 9 (3) An applicant shall file with the license application a bond in an amount to be set by the department
- 10 by rule. The bond must be conditioned on the applicant conducting the escrow business in accordance with the
- 11 requirements of law. All bonds must be filed with the department, approved by the department, and renewed
- 12 annually.
- 13 (4) The director shall grant and issue an escrow business license if:
- 14 (a) the director has received the bond and application specified in this section; and
- 15 (b) the applicant has complied with all the requirements of this part and any rules promulgated under it.
- 16 (5) An escrow business shall immediately notify the department of any material change in the information
- 17 contained in the application."

18

19 **Section 9.** Section 77-3-205, MCA, is amended to read:

20 **"77-3-205. Report of lessee and payment of royalty.** (1) On or before the last day of each month,

21 every holder of a producing lease under this part shall make a report to the department on a form the department

22 prescribes showing:

- 23 (a) the amount of substances mined or extracted from the lands in the preceding month;
- 24 (b) the price obtained;
- 25 (c) the total amount of sales; and
- 26 (d) any additional information required.

27 (2) The report ~~shall~~ must be verified by ~~affidavit~~ of the lessee or some responsible person having

28 knowledge of the facts and ~~shall~~ must be accompanied by payment of the amount to the state as royalty for the

29 month covered by the report."

30

1 **Section 10.** Section 77-3-317, MCA, is amended to read:

2 **"77-3-317. Report and payment of royalty.** (1) On or before the last day of each month every holder
3 of a producing coal mining lease shall make a report to the department on a form the department prescribes
4 showing:

5 (a) the number of tons mined during the preceding calendar month;

6 (b) the price obtained ~~therefor~~ for the number of tons mined during the preceding calendar month at the
7 mine;

8 (c) the total amount of all sales; and

9 (d) any additional information required by the department.

10 (2) The report ~~shall~~ must be verified by ~~the oath~~ of the lessee and be accompanied by payment of the
11 royalty due the state for the preceding month as shown by the report."

12

13 **Section 11.** Section 82-4-222, MCA, is amended to read:

14 **"82-4-222. Permit application -- application revisions.** (1) An operator desiring a permit shall file an
15 application that must contain a complete and detailed plan for the mining, reclamation, revegetation, and
16 rehabilitation of the land and water to be affected by the operation. The plan must reflect thorough advance
17 investigation and study by the operator, include all known or readily discoverable past and present uses of the
18 land and water to be affected and the approximate periods of use, and provide:

19 (a) the location and area of land to be affected by the operation, with a description of access to the area
20 from the nearest public highways;

21 (b) the names and addresses of the owners of record and any purchasers under contracts for deed of
22 the surface of the area of land to be affected by the permit and the owners of record and any purchasers under
23 contracts for deed of all surface area within one-half mile of any part of the affected area;

24 (c) the names and addresses of the present owners of record and any purchasers under contracts for
25 deed of all subsurface minerals in the land to be affected;

26 (d) the source of the applicant's legal right to mine the mineral on the land affected by the permit;

27 (e) the permanent and temporary post-office addresses of the applicant;

28 (f) whether the applicant or any person associated with the applicant holds or has held any other permits
29 under this part and an identification of those permits;

30 (g) (i) whether the applicant is in compliance with 82-4-251 and, if known, whether each officer, partner,

1 director, or any individual, owning of record or beneficially, alone or with associates, 10% or more of any class
2 of stock of the applicant, is subject to any of the provisions of 82-4-251. If so, the applicant shall certify the fact.

3 (ii) whether any of the parties or persons specified in subsection (1)(g)(i) have ever had a strip-mining
4 or underground-mining license or permit issued by any other state or federal agency revoked or have ever
5 forfeited a strip-mining or underground-mining bond or a security deposited in lieu of a bond. If so, a detailed
6 explanation of the facts involved in each case must be attached.

7 (h) whether the applicant has a record of outstanding reclamation fees with the federal coal regulatory
8 authority;

9 (i) the names and addresses of any persons who are engaged in strip-mining or underground-mining
10 activities on behalf of the applicant;

11 (j) the annual rainfall and the direction and average velocity of the prevailing winds in the area where the
12 applicant has requested a permit;

13 (k) the results of any test borings or core samplings that the applicant or the applicant's agent has
14 conducted on the land to be affected, including the nature and the depth of the various strata or overburden and
15 topsoil, the quantities and location of subsurface water and its quality, the thickness of any mineral seam, an
16 analysis of the chemical properties of the minerals, including the acidity, sulfur content, and trace mineral
17 elements of any coal seam, as well as the British thermal unit (Btu) content of the seam, and an analysis of the
18 overburden, including topsoil. If test borings or core samplings are submitted, each permit application must
19 contain two copies each of two sets of geologic cross sections accurately depicting the known geologic makeup
20 beneath the surface of the affected land. Each set must depict subsurface conditions at intervals the department
21 requires across the surface and must run at a 90-degree angle to the other set. The department may not require
22 intervals of less than 500 feet. Each cross section must depict the thickness and geologic character of all known
23 strata, beginning with the topsoil. In addition, each application for an underground-mining permit must be
24 accompanied by cross sections and maps showing the proposed underground locations of all shafts, entries, and
25 haulageways or other excavations to be excavated during the permit period. These cross sections must also
26 include all existing shafts, entries, and haulageways.

27 (l) the name and date of a daily newspaper of general circulation within the county in which the applicant
28 will prominently publish at least once a week for 4 successive weeks after submission of the application an
29 announcement of the applicant's application for a strip-mining or underground-mining permit and a detailed
30 description of the area of land to be affected if a permit is granted;

1 (m) a determination of the probable hydrologic consequences of coal mining and reclamation operations,
2 both on and off the mine site, with respect to the hydrologic regime and quantity and quality of water in surface
3 water and ground water systems, including the dissolved and suspended solids under seasonal flow conditions
4 and the collection of sufficient data for the mine site and surrounding areas, so that cumulative impacts of all
5 anticipated mining in the area upon the hydrology of the area and particularly upon water availability can be made.
6 However, this determination is not required until hydrologic information on the general area prior to mining is
7 made available from an appropriate federal or state agency. The permit may not be approved until the information
8 is available and is incorporated into the application. The determination of probable hydrologic consequences must
9 include findings on:

10 (i) whether adverse impacts may occur to the hydrologic balance;

11 (ii) whether acid-forming or toxic-forming materials are present that could result in the contamination of
12 ground water or surface water supplies;

13 (iii) whether the proposed operation may proximately result in contamination, diminution, or interruption
14 of an underground or surface source of water within the proposed permit or adjacent areas that is used for
15 domestic, agricultural, industrial, or other beneficial use; and

16 (iv) what impact the operation will have on:

17 (A) sediment yields from the disturbed area;

18 (B) acidity, total suspended and dissolved solids, and other important water quality parameters of local
19 impact;

20 (C) flooding or streamflow alteration;

21 (D) ground water and surface water availability; and

22 (E) other characteristics required by the department that potentially affect beneficial uses of water in and
23 adjacent to the permit area;

24 (n) a plan for monitoring ground water and surface water, based upon the determination of probable
25 hydrologic consequences required under subsection (1)(m). The plan must provide for the monitoring of
26 parameters that relate to the availability and suitability of ground water and surface water for current and
27 approved postmining land uses and the objectives for protection of the hydrologic balance.

28 (o) a map depicting the projected postmining topography, using cross sections, range diagrams, or other
29 methods approved by the department, showing the manner of spoil placement, showing removal of coal volume
30 and overburden swell, and including:

- 1 (i) locations and elevations of tie-in points with adjacent unmined drainageways;
- 2 (ii) approximate locations of primary or highest order drainageways and associated drainage divides in
3 the reclaimed topography; and
- 4 (iii) projected elevations of primary drainageways and associated drainage divides and generalized
5 slopes with the level of detail appropriate to project the approximate original contour;
- 6 (p) the condition of the land to be covered by the permit prior to any mining, including:
- 7 (i) the land uses existing at the time of the application and, if the land has a history of previous mining,
8 the uses that preceded any mining;
- 9 (ii) the capability of the land prior to any mining to support a variety of uses, giving consideration to soil
10 characteristics, topography, and vegetative cover; and
- 11 (iii) the productivity of the land prior to mining, including appropriate classification as prime farm land, as
12 well as the average yield of food, fiber, forage, or wood products from land under high levels of management;
- 13 (q) a coal conservation plan; and
- 14 (r) other or further information as the department may require.
- 15 (2) The application for a permit must be accompanied by two copies of all maps meeting the
16 requirements of subsections (2)(a) through (2)(n). The maps must:
- 17 (a) identify the area to correspond with the application;
- 18 (b) show any adjacent deep mining or surface mining, the boundaries of surface properties, and names
19 of owners of record of the affected area and within 1,000 feet of any part of the affected area;
- 20 (c) show the names and locations of all streams, creeks, or other bodies of water, roads, buildings,
21 cemeteries, oil and gas wells, and utility lines on the area of land affected and within 1,000 feet of the area;
- 22 (d) show by appropriate markings the boundaries of the area of land affected, any cropline of the seam
23 or deposit of mineral to be mined, and the total number of acres involved in the area of land affected;
- 24 (e) show the date on which the map was prepared and the north point;
- 25 (f) show the final surface and underground water drainage plan on and away from the area of land
26 affected. This plan must indicate the directional and volume flow of water, constructed drainways, natural
27 waterways used for drainage, and the streams or tributaries receiving the discharge.
- 28 (g) show the proposed location of waste or refuse area;
- 29 (h) show the proposed location of temporary subsoil and topsoil storage area;
- 30 (i) show the proposed location of all facilities;

- 1 (j) show the location of test boring holes;
- 2 (k) show the surface location lines of any geologic cross sections that have been submitted;
- 3 (l) show a listing of plant varieties encountered in the area to be affected and their relative dominance
- 4 in the area, together with an enumeration of tree varieties and the approximate number of each variety occurring
- 5 per acre on the area to be affected, and the locations generally of the various kinds and varieties of plants,
- 6 including but not limited to grasses, shrubs, legumes, forbs, and trees;
- 7 (m) be certified as follows: "I, the undersigned, hereby certify that this map is correct and shows to the
- 8 best of my knowledge and belief all the information required by the mining laws of this state." The certification
- 9 must be signed ~~and notarized~~. The department may reject a map as incomplete if its accuracy is not attested by
- 10 the signed certification.
- 11 (n) contain other or further information as the department may require.
- 12 (3) If the department finds that the probable total annual production at all locations of any strip-mining
- 13 or underground-coal-mining operation applied for will not exceed 100,000 tons, any determination of probable
- 14 hydrologic consequences that the department requires and the statement of result of test borings or core
- 15 samplings must, upon written request of the operator, be performed by a qualified public or private laboratory
- 16 designated by the department. The department shall assume the cost of the determination and statement to the
- 17 extent that it has received funds for this purpose.
- 18 (4) In addition to the information and maps required by this section, each application for a permit must
- 19 be accompanied by detailed plans or proposals showing the method of operation, the manner, time or distance,
- 20 and estimated cost for backfilling, subsidence stabilization, water control, grading work, highwall reduction,
- 21 topsoiling, planting, and revegetating, and a reclamation plan for the area affected by the operation, which
- 22 proposals must meet the requirements of this part and rules adopted under this part. The reclamation plan must
- 23 address the life of the operation and indicate the size, sequence, and the timing of the subareas for which it is
- 24 anticipated that individual permits will be sought.
- 25 (5) Each applicant for a coal mining permit shall submit as part of the application a certificate issued by
- 26 an insurance company authorized to do business in the state, certifying that the applicant has in force for the
- 27 strip-mining or underground-mining and reclamation operations for which the permit is sought a public liability
- 28 insurance policy or evidence that the applicant has satisfied other state or federal self-insurance requirements.
- 29 This policy must provide for personal injury and property damage protection in an amount adequate to
- 30 compensate any persons damaged as a result of strip-mining or underground-coal-mining and reclamation

1 operations, including use of explosives, and entitled to compensation under applicable provisions of state law.
2 The permittee shall maintain the policy in full force and effect during the term of the permit and any renewal until
3 all reclamation operations have been completed.

4 (6) An applicant may revise an application for a permit, a permit amendment, or a permit revision that
5 is pending on January 1, 2004, in order to incorporate the provisions of this part.

6 (7) A permittee may apply to revise and the department may approve an application to incorporate the
7 provisions of this part into a reclamation plan approved before January 1, 2004. The reclamation plan may be
8 revised whether or not reclamation has been completed pursuant to the reclamation plan.

9 (8) Each applicant for a strip-mining or underground-mining reclamation permit shall file a copy of the
10 applicant's application for public inspection with the clerk and recorder at the courthouse of the county in which
11 the major portion of mining is proposed to occur."
12

13 **Section 12.** Section 87-2-106, MCA, is amended to read:

14 **"87-2-106. Application for license.** (1) A license may be procured from the director, a warden, or an
15 authorized agent of the director. The applicant shall state the applicant's name, age, [last four digits of the
16 applicant's social security number,] occupation, street address of permanent residence, mailing address,
17 qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as
18 an alien and other facts, data, or descriptions as may be required by the department. An applicant for a resident
19 license shall present a valid Montana driver's license, Montana driver's examiner's identification card, tribal
20 identification card, or other identification specified by the department to substantiate the required information. It
21 is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to
22 purchase a license. Except as provided in subsections (2) through (4), the statements made by the applicant must
23 be subscribed to ~~before the officer or agent issuing the license~~ by the applicant.

24 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
25 telephone, by mail, on the internet, or by other electronic means. ~~Statements on an application for a license to~~
26 ~~be issued by telephone, by mail, on the internet, or by other electronic means need not be subscribed to before~~
27 ~~the employee or officer.~~

28 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director
29 and shall ~~submit at the time of application a notarized affidavit that attests~~ subscribe to fulfillment of the
30 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

